

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TRITON IP, LLC,

v.

SAGE GROUP, PLC, et al.

6:07-cv-00067-LED

JURY

PLAINTIFF'S REPLY TO COUNTERCLAIMS OF SAGE SOFTWARE

Plaintiff Triton IP, LLC ("Triton") replies to the counterclaims of Defendant Sage Software, Inc. ("Sage") as follows:

1. Paragraph 1 of Sage's counterclaim purports that it "incorporates the foregoing averments as if fully set forth herein." Such an allegation is improper. To the extent that such an allegation requires a response, Plaintiff denies the merits of Sage's defenses and affirmative defenses. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

2. Plaintiff admits that it contends the '525 patent is valid and infringed by Sage. Plaintiff admits that Sage purports to deny such allegations. Plaintiff admits that Sage's answer purports to contend that Sage does not infringe the '525 patent, and that said patent is invalid. Plaintiff admits that a justiciable controversy exists between Sage and Plaintiff. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

3. To the extent paragraph 3 requires a response, Plaintiff admits that Sage purports to seek a declaration of non-infringement and invalidity. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

4. Denied.

5. To the extent paragraph 5 requires a response, Plaintiff admits that Sage's purported counterclaims arise under the Patent Act, and Plaintiff admits this Court's jurisdiction

over Plaintiff's claim and any properly pled counterclaims. Plaintiff denies the remaining allegations, if any, set forth in this paragraph.

6. To the extent necessary, Plaintiff denies that Sage is entitled to the relief requested in its prayer for relief. In addition, to the extent necessary, Plaintiff denies any allegation in the counterclaims not specifically admitted above, and Plaintiff re-alleges infringement, validity and damages, and denies any allegations in the counterclaim adverse to same.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment denying and dismissing Sage's counterclaims, and that the Court enter judgment in favor of Plaintiff as requested in Plaintiff's complaint, as amended or supplemented.

Date: July 12, 2007

Respectfully submitted,

TRITON IP, LLC

/s/ John J. Edmonds

Danny L. Williams - LEAD ATTORNEY

Texas State Bar No. 21518050

Terry D. Morgan

Texas State Bar No. 14452430

J. Mike Amerson

Texas State Bar No. 01150025

Williams, Morgan & Amerson, P.C.

10333 Richmond, Suite 1100

Houston, Texas 77042

Telephone: (713) 934-4060

Facsimile: (713) 934-7011

E-mail: danny@wmalaw.com

E-mail: tmorgan@wmalaw.com

E-mail: mike@wmalaw.com

David M. Pridham

R.I. Bar No. 6625
Intellectual Property Navigation Group, LLC
207 C North Washington Avenue
Marshall, Texas 75670
Telephone: (903) 938-7400
Facsimile: (903) 938-7404
david@ipnav.com

John J. Edmonds

Texas State Bar No. 00789758
THE EDMONDS LAW FIRM
709 Sabine Street
Houston, Texas 77007
Telephone: (713) 858-3320
Facsimile: (832) 415-2535
johnedmonds@edmondslegal.com

Eric M. Albritton

Texas Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397
ema@emafirm.com

Thomas John Ward, Jr.

Texas Bar No. 00794818
Ward & Smith, PC
P O Box 1231
Longview, TX 75606-1231
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
jw@jwfirm.com

Kajeer Yar

Texas Bar No. 24025838
2651 East 66th Street
Tulsa, OK 74136
Telephone: (918) 292-8158
Facsimile: (918) 292-8158
kyar@yarlawfirm.com

Counsel for Plaintiff

TRITON IP, LLC

CERTIFICATE OF SERVICE

On this date a copy of the foregoing is being filed electronically and thus served upon all counsel of record pursuant to Local Rule CV-5.

Date: July 12, 2007

/s/ John J. Edmonds
John J. Edmonds